

Minutes of the Ogden Valley Planning Commission Regular meeting April 25, 2017 in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Laura Warburton, Greg Graves, John Howell; John Lewis, Robert Wood, Jami Taylor

**Absent/Excused:**

**Staff Present:** Rick Grover, Planning Director; Scott Mendoza, Asst. Planning Director; Steve Burton, Planner II; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call***

Chair Taylor asked if there was anyone that would like to declare ex parte communication. John Lewis replied there was one item related to Wolf Creek and he would recuse himself.

1. **Minutes:** Approval of the December 06, 2016, February 28, 2017, March 07, 2017, and March 28, 2017 Meeting Minutes

**MOTION:** Chair Taylor approved the meeting minutes as presented.

2. **Consent Agenda:**

- 2.1. **UVE030217:** Consideration and action on a request for preliminary approval of Eagle Ridge Cluster Subdivision Phase 6, consisting of 5 Lots, 2 common areas, and an extended road in the Residential Estates (RE-20) and Agricultural Valley (AV-3) Zones, located at 3600 N Eagle Ridge Drive in Eden. (Eden Hills LC, Owner; Tyler Nielson, Agent)
- 2.2. **UVH121416:** Consideration and action on an application for final approval of the Hidden Haven Estates 2<sup>nd</sup> Amendment, consisting of 3 lots and an extended private road in the Agricultural Valley (AV-3) and Shoreline (S-1) Zones, located at 1682 N 6250 E in Eden. (Pineview Partners LLC, Applicant; Randy Shepherd, Applicant)
- 2.3. **CUP 2017-03:** Consideration and action on a conditional use permit application for a water pumping plant for Liberty Pipeline Company in the Forest (F-5) Zone, located at 6701 N Durfee Creek Way in Liberty. (Liberty Pipeline Company, Pen Hollist Director, Applicant; Mike Durtschi, Project Engineer, Agent)

**MOTION:** Commissioner Warburton moved to approve the consent agenda as read. Commissioner Graves seconded. A vote was taken the Commissioners Warburton, Graves, Howell, Lewis, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

3. **Petitions, Applications and Public Hearings**

- 3.1. **Administrative Items**

- b. **New Business**

1. **CUP 2017-05:** Consideration and action on a conditional use permit application for a public equestrian training and stable facility for Kent Winegar in the Agricultural Valley (AV-3) Zone, located at 9510 E 200 S in Huntsville. (Kent Winegar, Applicant)

Director Grover stated this is a conditional use and you may take public comment, but it is not required to. Each zone there are permitted uses and conditional uses and you can't really deny this, you have to put conditions that will help intergraded it into the neighborhood. You will have Steve Burton give a brief orientation on this, then Mr. Kent Winegar will represent his project, and Mr. Burton will explain how it is meeting or not meeting the code.

Steve Burton referenced an application for a public equestrian training and stabling facility located at approximately 9510 E 200 S in Huntsville. The building associated with the operation is an existing 60' x 120' building. The applicant is also proposing to place a face wall sign for the business on the south wall of the building that fronts 200 South. The operation will involve between 20 and 40 horses at any given time, an average of about 1 horse per acre. The applicant states that the operation will be for the training, raising, and breeding of horses.

Steve Burton stated that the applicant has provided a site plan with building elevations and parking area that will be used for the customers. The applicant has said that it would be about two customers per week and there were

concerns with the parking. The proposed use is conditionally allowed in the AV-3 Zone and is being reviewed as a public equestrian training and stable facility on a tract of land consisting of ten acres in an area with a density of not more than five horses per acre. The existing structure meets the site development standards of the zone. The parcel owned by the Middleton Waterworks Association appears to be located in the middle of the property; it was a parcel that was deeded out to Middleton Waterworks association a long time ago. The parcel does meet the zoning requirements and it does meet setbacks. There are no new buildings proposed so there will not be any new construction for traffic concerns. The applicant has also provided traffic parking area. There is a riding area that surrounds the existing building, and there are two residential homes located on the property. Both homes are outside of the animal setback regulation as outlined in the land use code. The existing building that will be used to keep horses is located approximately 75 feet from both rental homes on the property; and located approximately 175 feet from Highway 39.

Steve Burton said the sign code allows 90 sq. ft. sign to be placed on the wall of this building; the proposed sign is approximately 87 sq. ft. meeting that sign requirement. The property currently maintains the 20% landscaping requirement. The landscaping is currently made up of deciduous trees to the north of the property; which are watered by the shares of the Ogden Valley Canal. This request conforms to the Ogden Valley General Plan and is intended to preserve property rights, while preserving the rural characteristics of the valley. The recommended conditions are imposed; the request meets the applicable land use requirements. Staff recommends approval subject to all review agency requirements and the conditions and findings listed in the staff report.

Chair Taylor asked for clarification as it was noted that the agenda had CUP 2017-01 and the staff report had CUP 2017-05. Mr. Burton clarified that it is CUP 2017-05.

**MOTION:** Commissioner Howell moved to approve CUP2017-05 for a public equestrian training and stable facility for Kent Winegar in the Agricultural Valley (AV-3) Zone, located at 9510 E 200 S in Huntsville. This is subject to the conditions and recommendations from all the county and state agencies; and subject to the findings listed in the staff report. Commissioner Warburton seconded. A vote was taken the Commissioners Warburton, Graves, Howell, Lewis, Wood, and Chair Taylor voting aye. Motion Carried (6-0)

Commissioner Lewis excused himself from the meeting.

**2. CUP 2017-04:** Consideration and action for a conditional use request for The Strand at Wolf Creek Resort Phase 1 PRUD located within the approved Wolf Creek Resort Master Development including an average building height of 33 feet as conditionally allowed in the Commercial Valley Residential (CVR-1) Zone, located at 3820 N Wolf Creek Resort. (WCU, LLC, Applicant; Eric Householder, Agent)

Director Grover said back in 2015 we did a rezone on this property to CVR-1; and the use that is being looked at is a conditional use and there is a development agreement with this. As a conditional use it is not required to take public comment on it. Mr. Grover orients the commission as to where the development is being proposed. It will be accessed from Wolf Creek Drive. The gym is located to the south of where this is taking place. It will entail tree building associated within the landscaping. The applicant, Eric Householder will explain the project and how it is going to be developed with more detail. Mr. Grover will then present how this may or may not with the ordinance.

Chair Taylor mentioned the name had been changed to Exchanged.

Eric Householder, Representing Wolf Creek, have some updates from when they submitted two months ago. As previously mentioned in 2015 they spent a lot of time on a rebuild and getting all the zoning in place. At that time they applied to have a use added to the conditional use for the blue pub. In the presentation are a few examples regarding interior design. Mr. Householder takes the commission through his presentation.

Director Grover explains how the designs fit into the area. The architecture of the building is related to other buildings in the area. In the CVR-1 Zone there is a 25 foot maximum height limit. There is a possibility to go higher than that with a conditional use permit. Planning looked at the articulation, the variation, the roofline, and the pitch. From the lowest point on the building to the highest range is between 29 feet to approximately 37 feet. Based on

these features, the way it's designed and meeting the lay of the land, it meets the requirement The 37 foot height areas are more features on the buildings; so it's not that the majority of the buildings. The first building closest to Wolf Creek Drive has a building on a hill on the other part of the daylight. Based on those features and the way it's designed, the lay of the land, it meets the requirements of the reduction.

Director Grover said the next point is the parking lot, landscaping, and screening. Applicant has done a good job with the flood areas between the buildings, it's going to create a nice feel from what we think is going to happen there. We would recommend screening with the dumpsters; create a screen that relates to the architectural materials located on the building. As for safety; sidewalks and pathways will be provided. The infrastructure amenities will be addressed in the subdivision level. Applicant has received a will serve letter for sewer and water. When looking at the surrounding areas, it blends with the architecture and the site layout of the properties in the area. The applicant will be required, when they come in for subdivision approval, to put up a financial guarantee for subdivision improvements. On the land use codes, staff is requesting to look at reduction to a zero foot setback on the side yards. Staff is recommending approval with the conditions listed in the staff report and recommendations on the findings listed in the staff report.

Commissioner Warburton mentioned zero setbacks is not listed in the staff report so that would be #7; and with regards to #5, did they change all of this? Director Grover replied that he would strike out #5 completely, and financial guarantee will be provided at subdivision level, so staff recommends not looking at development feasibility on that.

Chair Taylor asked if there was anyone wanting to speak for or against this application. Miranda Menzies responded that she was in full support of this development.

**MOTION:** Commissioner Warburton moved to approve CUP 2017-04, with staff's recommendations and other agencies requirement. That the conditional use of The Exchange at Wolf Creek Resort Phase 1 PRUD located within the approved Wolf Creek Resort Master Development, including an average building height of 33 feet as conditionally allowed in the Commercial Valley Residential (CVR-1) Zone. This is subject to all agencies requirements based on the conditions listed in here which is 1 through 6, and scratch off #5, and add #7 to the 0 foot setback for the side yard. Commissioner Graves seconded.

**VOTE:** A vote was taken the Commissioners Warburton, Graves, Howell, Wood, and Chair Taylor voting aye. Motion Carried (5-0)

Commissioner Lewis returned to the meeting.

4. **Public Comment for Items not on the Agenda:** None
5. **Remarks from Planning Commissioners:** Director Grover discussed the Development Agreement for Wolf Creek and that there were two parties involved; one being John Lewis and the other Howard Schmidt. Staff would like to entertain only the John Lewis portion; the Howard Schmidt portion is going to require them to work through the Consent Agreement. Staff would like to get your feedback on extending the time on it because it has expired. Staff thought that there was no problem with the John Lewis portion of it, but Howard Schmidt wants some legality off of the consent. That will be on the agenda.

Director Grover discussed the next work session.

Commissioner Warburton asked who was going to be addressing the Night Sky. Director Grover replied it would be Charlie Ewert.

Chair Taylor said that people were wondering about the General Plan and how the work session is going. It sounds like it's headed in a good direction, and a lot of the General Plan has involved the TDR Program. The fact that it is being discussed is a good direction to be headed.

6. **Planning Director Report:** Director Grover stated that staff and a member of each commission will be going to the New York Conference. Mr. Graves will be going for Ogden Valley, and there will be a presentation on what was learned there. Director Grover would like to do it during a work session that would be beneficial for the county.
7. **Remarks from Legal Counsel:** None
8. **Adjournment:** The meeting was adjourned at 6:45 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,  
Weber County Planning Commission